

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NAKESHEA STEELE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
TEMPCRAFT CORPORATION and)	
DAWN TURK,)	
)	
Defendants.)	

DEFENDANTS' NOTICE OF REMOVAL

Defendants Tempcraft Corporation and Dawn Turk remove this case from the Common Pleas Court of Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division. In support of this notice, Defendants state that:

Factual Background

1. On February 3, 2021, Plaintiff Nakeshea Steele filed a Complaint in the Common Pleas Court of Cuyahoga County, Ohio. (Ex. 1, Summons and Complaint).
2. Tempcraft received service of the Summons and Complaint, through CT Corporation System, on February 9, 2021.
3. Dawn Turk received service of the Summons and Complaint on February 8, 2021.
4. Count I of the Complaint alleges Unlawful Interference with FMLA Rights. *Id.* at ¶¶ 120-27. Specifically, Ms. Steele alleges she applied for FMLA leave due to the birth of her child. *Id.* at ¶ 80. Ms. Steele claims that Tempcraft unlawfully interfered with her FMLA rights, and retaliated by terminating her employment. *Id.* at ¶¶ 103, 111-12 & 125.

I. The Complaint presents a federal question.

5. The Court has original jurisdiction over Ms. Steele’s FMLA claim because it “may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction.” 29 U.S.C. § 2617(a)(2). The Court also has original jurisdiction under 28 U.S.C. § 1331, which provides District Courts with “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Count I of the Complaint arises under the laws of the United States, namely, under the FMLA.

6. The remaining two claims arise under Ohio law, from the same alleged employment actions. All three claims are so related that they form part of the same case or controversy. Therefore, this Court has supplemental jurisdiction over the two remaining claims under 28 U.S.C. § 1367.

II. Removal complies with the applicable procedural rules.

7. A notice of removal may be filed within 30 days after the defendant receives a copy of the initial pleading, motion, or other paper from which it may be ascertained that the case is removable. 28 U.S.C. § 1446(b). This notice is timely because Tempcraft received the Summons and Complaint when Ms. Steele served it on February 9, 2021, and Ms. Turk received the Summons and Complaint when Ms. Steele served it on February 8, 2021.

8. Removal to this Court is proper under 28 U.S.C. § 1441(a). Cuyahoga County, Ohio, where this case was filed in the state Common Pleas Court, is within the Northern District of Ohio, Eastern Division. *See* 28 U.S.C. § 115(a)(1).

9. Exhibit 1 is “a copy of all process, pleadings, and orders” in the case, which consists solely of the summons and complaint, as required by 28 U.S.C. § 1446(a).

10. Defendants will file a copy of this notice with the Common Pleas Court of Cuyahoga County, Ohio, and serve a copy of this notice on Ms. Steele, as required by 28 U.S.C. § 1446(d).

Therefore, Defendants remove this case from the Common Pleas Court of Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division.

BABST, CALLAND, CLEMENTS
and ZOMNIR, P.C.

/s/ Molly E. Meacham

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Counsel for Defendants

Dated: March __, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of March, 2021, this Notice of Removal was electronically filed through the Court's CM/ECF system, which will send a notice of the electronic filing and, that I served the same via email upon the following:

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/s/ Molly E. Meacham

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